

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 PARVANEH NAVAB,

5 Plaintiff,

6 v.

7 GRAND CANAL SHOPPES II, LLC, *et al.*,

8 Defendants.

Case No. 2:17-cv-01031-APG-PAL

**ORDER REMANDING CASE TO STATE
COURT**

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10 I previously entered three orders requiring the defendants to properly identify the
11 citizenship of all parties, so that I could evaluate whether this court can exercise diversity
12 jurisdiction over this case. ECF Nos. 6, 9, 12. The defendants have failed to respond to my last
13 order and have failed to demonstrate that the parties to this case are diverse.

14 Federal courts are courts of limited jurisdiction. *Owen Equip. & Erection Co. v. Kroger*,
15 437 U.S. 365, 374 (1978). “A federal court is presumed to lack jurisdiction in a particular case
16 unless the contrary affirmatively appears.” *Stock West, Inc. v. Confederated Tribes of the Colville*
17 *Res.*, 873 F.2d 1221, 1225 (9th Cir. 1989). “Federal jurisdiction must be rejected if there is any
18 doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th
19 Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)).
20 Thus, courts “strictly construe the removal statute against removal jurisdiction.” *Gaus, Inc.*, 980
21 F.2d at 566. “The ‘strong presumption’ against removal jurisdiction means that the defendant
22 always has the burden of establishing that removal is proper.” *Id.* Remand is required if the court
23 lacks subject matter jurisdiction. 28 U.S.C. §1447(c); *see also Aguon-Schulte v. Guam Election*
24 *Comm’n*, 469 F.3d 1236, 1240 (9th Cir. 2006) (“remand may be ordered either for lack of subject
25 matter jurisdiction or for ‘any defect’ in the removal procedure”).

26 Because the defendants have not met their burden of establishing the diversity of the
27 citizenship of the parties to this case, I must remand this action to state court.
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1 IT IS THEREFORE ORDERED the case is remanded to the state court from which it was
2 removed for all further proceedings. The Clerk of the Court is instructed to close this case.

3 Dated: July 13, 2017.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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